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9 Counsel for Lead Plaintiff James R. Bartholomew

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 PETER RUDOLPH, individually and on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 UTSTARCOM, HONG LIANG LU, YING  
18 WU, MICHAEL SOPHIE, FRANCIS  
19 BARTON, AND THOMAS TOY,

20 Defendants.

Case No. 3:07-CV-04578-SI

**CLASS ACTION**

**JOINT STIPULATION AND  
[PROPOSED] ORDER SHORTENING  
TIME ON UNOPPOSED MOTION FOR  
ENTRY OF ORDER AUTHORIZING  
DISTRIBUTION OF SETTLEMENT  
FUNDS; DECLARATION OF MARK  
PUNZALAN**

Date: Dec. 10, 2010

Time: 9:00 a.m.

Room: Courtroom 10, 19<sup>th</sup> Floor

Judge: Honorable Susan J. Illston

1 WHEREAS, Lead Plaintiff brought this action on behalf of all persons who bought  
2 UTStarcom, Inc. ("UTSI") securities between September 4, 2002 and July 24, 2007 (the  
3 "Class Period") alleging that Defendants intentionally manipulated stock option grants by  
4 falsely "backdating" the grants;

5 WHEREAS, on April 13, 2009, the parties notified the Court that they had reached a  
6 settlement in this action;

7 WHEREAS, the Court granted final approval to the settlement on September 25,  
8 2009;

9 WHEREAS, pursuant to the Court's order preliminarily approving the Settlement, all  
10 Settlement Class Members wishing to participate in the Settlement were required to submit  
11 claims by October 26, 2009;

12 WHEREAS, Plaintiff's counsel has been informed by Berdon Claims Administration  
13 LLC ("Berdon") that all claim forms submitted by October 26, 2009 and during the time to  
14 process all of the claims have been processed and the Net Settlement funds are ready for  
15 distribution. *See Declaration of Mark Punzalan In Support of Joint Stipulation to Shorten*  
16 *time at ¶3, attached hereto;*

17 WHEREAS, counsel for Plaintiff and Defendants have met, conferred and agreed  
18 upon the Motion for Distribution, for which Plaintiff does not request oral argument;

19 WHEREAS, under the regular notice procedures of Civil Local Rule 7-2(a), the  
20 Motion for Distribution would be set for hearing not less than 35 days after service;

21 WHEREAS, as set forth in more detail in the underlying Motion for Distribution, the  
22 Net Settlement Fund from the settlement in this action is ready to be distributed to Authorized  
23 Claimants pursuant to the Stipulation of Settlement and Final Orders of Settlements, as  
24 approved by the Court;

25 WHEREAS, as such, the parties agree that good cause exists to shorten time on  
26 determination of Plaintiff's Unopposed Motion for Entry of Order Authorizing Distribution of  
27

1 Settlement Funds (the "Motion for Distribution"), filed concurrently herewith, and that oral  
2 argument on the Motion for Distribution is unnecessary;

3 WHEREAS, Civil Local Rule 6-2(a) provides that the parties may file a stipulation  
4 that would accelerate the time frames set in the Local Rules or in the Federal Rules, and after  
5 receiving such a request, the Court may grant, deny or modify the requested time change.

6 NOW THEREFORE, the parties respectfully request, for good cause shown, that the  
7 Court rule on the Motion for Distribution without a hearing at its earliest convenience.

8 Dated: November 5, 2010

FINKELSTEIN THOMPSON LLP

9 By: /s/ Mark Punzalan  
10 *Counsel for Plaintiffs*

11  
12 Dated: November 5, 2010

WILSON SONSINI GOODRICH & ROSATI  
13 By : /s/ Bryan Ketrosier  
*Counsel for Defendants*

14  
15  
16 I, Mark Punzalan, am the ECF User whose identification and password are being  
17 used to file the foregoing Joint Stipulation And [Proposed] Order Shortening Time on  
18 Unopposed Motion For Entry of Order Authorizing Distribution of Settlement Funds;  
19 Declaration of Mark Punzalan. I hereby attest that Bryan Ketrosier has concurred in this  
20 filing.  
21

22 Dated: November 5, 2010

FINKELSTEIN THOMPSON LLP

23 By: /s/ Mark Punzalan  
24 *Counsel for Plaintiff*

**DECLARATION OF MARK PUNZALAN**

I, MARK PUNZALAN, declare as follows:

1. I am a member of the Bar of this Court and an Associate with the law firm of Finkelstein Thompson LLP. My firm is the Court-appointed Lead Counsel for Lead Plaintiff James Bartholomew in the above-captioned action (the "Action"). I make this declaration in support of the Motion For Order Shortening time On Unopposed Motion For Entry of Order Authorizing Distribution of Settlement Funds. I have personal knowledge of the matters set forth in this declaration, and if called as a witness, I could and would testify competently thereto.

2. In connection with the settlement of this Action and as approved by the Court, Plaintiff retained Claims Administrator, Berdon Claims Administration LLC ("Berdon").

3. Berdon has informed Lead Counsel that all claims forms submitted by October 26, 2009, and during the time to process all of the claims, have now been processed and the Net Settlement Fund is ready for distribution.

4. Plaintiff's Counsel is aware of no opposition to any aspects of the Motion for Distribution and respectfully requests an expedited determination.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Dated this 5th day of November 2010.

By: /s/ Mark Punzalan  
*Counsel for Plaintiffs*

**[PROPOSED] ORDER**

Having considered the stipulation requesting an order shortening time for determination on Plaintiff's Unopposed Motion For Entry Of Order Authorizing Distribution of Settlement Funds ("Motion For Distribution"), and good cause appearing therefore,

IT IS SO ORDERED that the Court will rule on the Motion for Distribution without a hearing at its earliest convenience.

Dated: \_\_\_\_\_, 2010

  
\_\_\_\_\_  
THE HONORABLE SUSAN J. ILLSTON  
UNITED STATES DISTRICT JUDGE